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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,786	07/16/2002	Klaus Ulrich Klosa	FREL.P-052	9616
68392	7590	05/23/2008		
Oppedahl Patent Law Firm LLC - Frei P.O. Box 4850 Frisco, CO 80443-4850			EXAMINER	
			FIELDS, COURTNEY D	
			ART UNIT	PAPER NUMBER
			2137	
			NOTIFICATION DATE	DELIVERY MODE
			05/23/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket-oppedahl@oppedahl.com  
office-mail@frei-patent.ch

<b>Office Action Summary</b>	<b>Application No.</b> 10/070,786	<b>Applicant(s)</b> KLOSA ET AL.	
	<b>Examiner</b> COURTNEY D. FIELDS	<b>Art Unit</b> 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 29,31,38-40,42-47,49,50 and 57-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29,31,42-47 and 57-65 is/are rejected.
- 7) ☒ Claim(s) 38-40,49,50,66 and 67 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 30, 32-37, 41, 48, and 51-56, have been cancelled.
2. Claims 59-67 have been added.
3. Claims 29, 57, and 58 have been amended.
4. Claims 29, 31, 38-40, 42-47, 49-50, 57-67 are pending.

### ***Response to Arguments***

5. Applicant's arguments, see page 1, filed 14 February 2008, with respect to the rejection(s) of claim(s) 29,31,43-45,47,57-60, and 63-65 under Cuylen (US Patent No. 7,064,552) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn because the prior art, Cuylen does not overcome the filing date of the present application. However, upon further consideration, a new ground(s) of rejection is made in view of Ljungstroem et al. (US Patent No. 7,248,886).

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 29, 31, 42-45, 47, 57-60, and 62-65 are rejected under 35 U.S.C. 102(e) as being anticipated by Ljungstroem et al. (US Patent No. 7,248,886).

Referring to the rejection of claims 29, 57, 58, and 59, Ljungstroem et al. discloses a method, mobile data carrier, and a read and write station wherein initialization data are generated in an authorization process in a secure environment at a remote authorization authority by means of authorization means (See Column 2, lines 24-41)

and the initialization data are sent over a network in a secure communication according to security rules corresponding to the authorization system to an authorized read and write station (See Column 5, lines 5-10)

where the mobile data carriers are initialized with the initialization data and/or that the initialization data are over the network to a read and write station by means of which the read and write station is initialized to put into operation new data carriers, new applications of extension of applications (See Column 4, lines 63-67 and Column 5, lines 1-15)

Referring to the rejection of claims 31, 48, and 60, Ljungstroem et al. discloses the claimed limitation wherein the authorization means are consisting of special authorization identification media or authorization data (See Column 4, lines 40-46)

Referring to the rejection of claims 42 and 62, Ljungstroem et al. discloses the claimed limitation wherein the initialization data are sent over an open public network with an encryption and security gates on both sides (See Column 4, lines 23-39)

Referring to the rejection of claim 43,44,45,63, and 64, Ljungstroem et al. discloses the claimed limitation wherein initialization a user authorization or personal

data is effected by the read and write station or by its owner an identification authorization means is required (See Column 4, lines 47-62)

Referring to the rejection of claim 47 and 65, Ljungstroem et al. discloses the claimed limitation wherein the data carriers are designed as contact-less, active or passive identification media (See Column 2, lines 23-29)

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 46, 49, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ljungstroem et al. (US Patent No. 7,248,886) in view of Sciupac (US Patent No. 6,871,278).

Referring to the rejection of claim 46, Ljungstroem et al. discloses everything claimed as applied to claim 29, however Ljungstroem et al. fails to explicitly disclose an application micro-processor.

Sciupac discloses the claimed limitation wherein the mobile data carriers comprise an application micro-processor for the processing of application program data (See Sciupac, Column 3, lines 20-33)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Ljungstroem et al.'s mobile data carrier with Sciupac's passive storage media system, such as optical memory cards. Motivation for

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such an implementation would enable both hardware and software/firmware security measures to deny unauthorized access to cryptographic keys and to prevent interception of decrypted data streams (See Sciupac, Column 2, lines 21-28)

Referring to the rejection of claims 49 and 61, Ljungstroem et al. discloses everything claimed as applied to claim 29, however Ljungstroem et al. fails to explicitly disclose an authorization authority formed by a host computer or by a read and write station.

Sciupac discloses the claimed limitation wherein the authorization authority is formed by a host computer or by an authorization read and write station (See Sciupac, Column 4, lines 4-12)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Ljungstroem et al.'s mobile data carrier with Sciupac's passive storage media system, such as optical memory cards. Motivation for such an implementation would enable both hardware and software/firmware security measures to deny unauthorized access to cryptographic keys and to prevent interception of decrypted data streams (See Sciupac, Column 2, lines 21-28)

***Allowable Subject Matter***

10. Claims 38-40, 50, and 66-67 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to COURTNEY D. FIELDS whose telephone number is (571)272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Courtney D. Fields/  
Examiner, Art Unit 2137  
May 16, 2008

/Emmanuel L. Moise/  
Supervisory Patent Examiner, Art Unit 2137